

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

JOSETTE ONEILL,)	C/A No.: 4:13-cv-154-TLW
)	
Plaintiff,)	
)	
v.)	
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	
)	

ORDER

The plaintiff, Josette O'Neill (“Plaintiff”), brought this action pursuant to 42 U.S.C. § 405(g) to obtain judicial review of a final decision of the Commissioner of Social Security (“Defendant”), denying Plaintiff’s claims for disability insurance benefits. This matter is before the Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, (Doc. #20), to whom this case had previously been assigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2), DSC. In the Report, the Magistrate Judge recommends that the Commissioner’s decision be remanded for further administrative action. The Defendant filed objections to the Report on May 12, 2014. (Doc. #22). Plaintiff filed a response in support of the Report on May 29, 2014. (Doc. #25). The matter is now ripe for disposition.

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the

final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. Based on this review, and after careful consideration of the record, the Court is unable to determine whether the decision of the Administrative Law Judge (ALJ) to deny benefits was supported by substantial evidence. Accordingly, for the reasons articulated by the Magistrate Judge, the Report, (Doc. #20), is **ACCEPTED**. The Plaintiff's objections, (Doc. #22), are **OVERRULED**. This case is hereby **REMANDED** to the Commissioner for further administrative action in light of the analysis set forth above.

IT IS SO ORDERED.

s/Terry L. Wooten
Chief United States District Judge

August 28, 2014
Columbia, South Carolina